

Endangered Species Protection and Propagation Law

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**THE ENDANGERED SPECIES PROTECTION AND PROPAGATION
LAW (21 OF 1978)**

(1999 Revision)

Law 21 of 1978 consolidated with Law 12 of 1983.

Revised under the authority of the Law Revision Law (1999 Revision).

Originally enacted-

Law 21 of 1978-12th September, 1978

Law 12 of 1983-24th February, 1983

Consolidated and revised this 8th day of June, 1999.

ENDANGERED SPECIES PROTECTION AND PROPAGATION LAW

(1999 Revision)

I. This Law may be cited as the Endangered Species Protection and Propagation Law (1999 Revision).

Short title

2. In this Law-

Definitions

"live or dead animal" and "plant" includes the parts and products thereof itemised in the Schedule; and

"Governor" means the Governor in Council.

3. (1) The importation and exportation of live or dead animals and plants referred to in the Schedule is, subject to sections 4 and 8, prohibited.

Import and export of
certain animals and
plants prohibited

(2) Where a live or dead animal or plant of any *of* the families for the time being specified in Parts I and 11 *of* the Schedule or an article for the time being specified in Part III *of* the Schedule is being imported or exported or has been imported to any place in the Islands for the purpose *of* being exported, any customs officer may require any person possessing or having control of the animal, plant or article to furnish proof that its importation or exportation is or was not unlawful by virtue of this section; and if such proof is not furnished to the satisfaction of such customs officer such animal, plant or article is liable to forfeiture.

4. (1) Section 3 has no application to live or dead animals or plants the subject of a licence issued by the Governor.

Exceptions

(2) For the avoidance of doubt it is hereby declared that section 3 has no application to the bringing into the Islands of turtles taken within the fishery limits of the Islands if taking such turtles is customary and traditional and the turtles are intended only for consumption by persons within the Islands.

5. Application for a licence under section 4 may be made to the Governor who may grant such a licence only upon the recommendation of the Chief Agricultural and Veterinary Officer.

licence application

6. Licences granted under section 4 are revocable by the Governor at any time and shall, in any event, expire after one year from the date of issue or after any

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shorter period therein specified and are subject to such general or special conditions as the Governor may impose including conditions as to the place and mode of import or export, the premises where the licensed animal or plant shall be kept when in the Islands and quarantine requirements.

Prohibition on killing

7. (1) The Governor may, by Order published in the Gazette, prohibit the killing within the Islands, the territorial waters or the fisheries zone thereof, and for such period as may be therein specified, of such animals, being animals listed in the Schedule, as are specified in such Order.

(2) Whoever contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and to imprisonment: three years.

(3) Where any offence under this section is committed by any company or other body corporate or by any society, association or body of persons, every person charged with or concerned or acting in control or management of the affairs of such company, body corporate, society, association or body of persons, shall also be guilty of such offence unless he proves that such offence was committed without his knowledge or consent and that he took all reasonable steps to prevent the commission of the offence.

Regulations

8. The Governor may make regulations prescribing-

- (a) the forms to be used for the purposes of this Law;
- (b) fees upon application and the grant of licences;
- (c) for the making and certification of products produced under licence;
- (d) amendments to the Schedule; and
- (e) such other matters as may be desirable for the implementation of this Law.

9. Whoever-

- (a) contravenes section 3;
- (b) makes any statement orally or in writing or propounds any document in the truth of which he does not believe for the purpose of obtaining a licence or other advantage under this Law, the onus of showing his belief being upon him;
- (c) handles, deals in or has in his possession any animal or plant introduced into the islands in contravention of section 3; or
- (d) contravenes any term or condition of a licence granted to him under this Law,

is guilty of an offence and liable on summary conviction to a fine of eight hundred dollars and to imprisonment for two years.

SCHEDULE

**CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED
SPECIES OF WILD FAUNA AND FLORA**

PART I

Interpretation:

1. Species included in this Part are referred to-
 - (a) by the name of the species; or
 - (b) as being all of the species included in a higher taxon or designated part thereof.
2. The abbreviation "spp." is used to denote all species of a higher taxon.
3. Other references to taxa higher than species are for the purpose of information or classification only.
4. An asterisk (*) placed against the name of a species or higher taxon indicates that one or more geographically separate populations, sub-species or species of that taxon are included in Part II and that these populations, sub-species or species are excluded from Part I.
5. The symbol (-) followed by a number placed against the name of a species or higher taxon indicates the exclusion from that species or taxon of designated geographically separate populations, sub-species or species as follows-
 - 101 Lemur catta
 - 102 Australian population.
6. The symbol (+) followed by a number placed against the name of a species denotes that only a designated geographically separate population or sub-species of that species is included in this Part as follows-
 - +201 Italian population only.
7. The symbol (+) placed against the name of a species or higher taxon indicates that the species concerned are protected in accordance with the International Whaling Commission's schedule of 1972.

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Meliphagidae	Helmeted Honeyeater	Meliphaga cassidix
Zosteropidae	White-breasted Silveryeye	Zosterops albogularis
Fringillidae	Red Siskin	Spinus cucullatus
AMPHIBIA		
UPODELA		
Cryptobranchidae	Japanese Giant Salamander	Andrias (=Megalobatrachus) davidianusjaponicus
	Chinese Giant Salamander	Andrias (= Megalobatrachus) davidianus davidianus
SALIENTIA		
Bufonidae	Cameroon Toad	Bufo superciliaris
	Monte Verde Toad	Bufo periglenes
	Viviparous Toads	Nectophrynoides spp.
Atelopodidae	Golden Frog	Atelopus varius zeteki.
REPTILIA		
CROCODYLIA		
Alligatoridae	American Alligator	Alligator mississippiensis
	Chinese Alligator	Alligator sinensis
	Black Caiman	Melanosuchus niger
	Apaporis River Caiman	Caiman crocodilus apaporiensis
	Broad-Snouted Caiman	Caiman latirostris
Crocodylidae	Tomistoma	Tomistoma schlegelii
	African Dwarf Crocodile	Osteolaemus tetraspis tetraspis
	Congo Dwarf Crocodile	Osteolaemus tetraspis osborni
	African Slender-snouted Crocodile	Crocodylus cataphractus
	Siamese Crocodile	Crocodylus siamensis
	Mugger Crocodile	Crocodylus palustris palustris
	Ceylon Mugger Crocodile	Crocodylus palustris kimbula
	Philippine Crocodile	Crocodylus novaeguineae mindorensis
	Orinoco Crocodile	Crocodylus intermedius
	Cuban Crocodile	Crocodylus rhombifer
	Morelet's Crocodile	Crocodylus moreletii
	Nile Crocodile	Crocodylus niloticus
Gavilalidae	Gavial	Gavialis gangeticus
TESTUDINATA		
Emydidae	Asian River Terrapin	Batagur baska
	Hamilton's Terrapin	Geoclemmys (=Damonina) hamiltonii
	Bengal Three-keeled Terrapin	Geoemyda (=Nicoria) tricarinata
	Roof Terrapin	Kachuga tecta tecta

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	Bengal Eyed Terrapin	Morenia ocellata
	Water Box Tortoise	Terrapene coahuila
Testudinidae	Galapagos Tortoise	Geochelone (=Testudo) elephantopus
	Geometric Tortoise	Geochelone (=Testudo) geometrica
	Madagascar Radiated Tortoise	Geochelone (=Testudo) radiata
	Madagascar Tortoise	Geochelone (=Testudo) yniphora
Cheloniidae	Hawksbill Turtle	Eretmochelys imbricata imbricata
	Atlantic Ridley Turtle	Lepidochelys kempii
Trionychidae	Spotted Softshell Terrapin	Lissemys punctata punctata
	Coahuilan Softshell Terrapin	Trionyx ater
	Sacred Softshell Terrapin	Trionyx nigricans
	Ganges Softshell Terrapin	Trionyx gangeticus
	Brown Softshell Terrapin	Trionyx hurum
Chelidae	Short-necked Terrapin	Pseudemys umbrina
LACERTILIA		
Varanidae	Komodo Monitor	Varanus komodoensis
	Yellow Monitor	Varanus flavescens
	Indian Monitor	Varanus bengalensis
	Grey Monitor	Varanus griseus
SERPENTES		
Boidae	Puerto Rican Boa	Epicrates inornatus inornatus
	Jamaica Boa	Epicrates subflavus
	Indian Rock Python	Python molurus molurus
RHYNCHOCEPHALIA		
Sphenodontidae	Tuatara	Sphenodon punctatus
	PISCES	
ACIPENSERIFORMES		
Acipenseridae	Shortnose Sturgeon	Acipenser brevirostrum
	Atlantic Sturgeon	Acipenser oxyrinchus
OSTEOGLOSSIFORMES		
Osteoglossidae	Asiatic Bonytongue	Scleropages formosus
SALMONIFORMES		
Salmonidae	Longjaw Cisco	Corygonus alpenae
CYPRINIFORMES		
Catostomidae	Cui-oi	Chasmistes cujus
Cyprinidae	Pla Fesok	Probarbus julicni
SILURIFORMES		

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**PART 111-ARTICLES THE IMPORTATION AND EXPORTATION OF
WHICH ARE RESTRICTED**

1. Any dead whale.
2. Whale meat (excluding guts, bladders, stomachs, blood and fat) and edible whale offals, whether fresh, chilled, frozen, salted, in brine, dried or smoked, but not if unfit for human consumption.
3. Whalebone, whether unworked or simply prepared but not if cut to shape, and hair and waste of whalebone.
- d. Whale fat and whale oil (other than sperm oil) whether or not refined.
5. Whale meat extracts and whale meat juices.
6. Any bracelet made wholly or partly of the hair of any animal of the family Elephantidae.
7. Ivory derived from the tusks of any animal of the family Elephantidae whether unworked or simply prepared but not if cut to shape, and powder and waste thereon.
8. The horn of any animal of the family Rhinocerotidae, whether unworked or simply prepared but not if cut to shape, and powder and waste thereof.
9. The teeth of any animal, whether unworked or simply prepared but not if cut to shape, and powder and waste thereof.
10. The stuffed head, and the skull together with the skin covering it, of any animal of any of the families Elephantidae and Rhinocerotidae.
- 1 1. Raw furskins and hides or skins, tanned or dressed with the hair on, of any of the following animals and any rug, coverlet, coat, jacket, cape or stole derived from any such furskin, hide or skin, namely-

- (a) any animal of any of the following genera, namely-
Genetta Paradoxurus and Viverra;
- (b) any animal of any of the following species. namely-

Acinonyz jubatus	Felis paradalis	Mangos mungu
Arctogalidia trivigata	Felis planiceps	Panthera nebullosa
Chrotogala uwstoni	Felis rubiginosa	Panthera onca
Crocota crocuta	Felis serval	Panthera pardus

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<i>Fells benegalensis</i>	<i>Fells sylvestris</i>	<i>Panthera tigris</i>
<i>Fells colocolo</i>	<i>Fells tigrina</i>	<i>Panthera uncia</i>
<i>Fells geoffroyi</i>	<i>Fells viverina</i>	<i>Poiana richardsoni</i>
<i>Fells guigna</i>	<i>Fells wiedii</i>	<i>Ursus (Thalarctos)</i> <i>maritimus</i>
<i>Fells jacobita</i>	<i>Fassa fossa</i>	<i>Vicugna vicugna</i> and
<i>Fells marmorata</i>	<i>Hemigatus derbianus</i>	<i>Vivericula indica.</i>
<i>Fells nigripes</i>	<i>Hyaena brunnea</i>	

12. The hair, whether or not carded or combed, of any animal of the species *Vicugna vicugna*.

13. Musk derived from any animal of the sub-species *Moschus moschiferus moschiferus*.

14. A raw hide or skin, whether fresh, salted, dried, pickled or limited and whether or not split, and the leather of any crocodile, lizard or snake.

15. The dried body of any animal of any of the families Alligatoridae and Crocodylidae.

16. The shell and scales, whether unworked or simply prepared but not if cut to shape, the waste of the shell and scales, and the claws, of any animal of the family Cheloniidae.

17. The preserved body of any animal of the sub-species *Antelopes varies zeteki*.

18. The whole shell of any animal of the species *Papustyla (=Papuina) pulcherrima*, whether unworked or simply prepared but not if cut to shape.

19. The feathers, or the skin of any other part with the feathers on it, of any of the following animals. namely-

- (a) any animal of the family of Paradisaeidae; and (b)
- any animal of the species *Gallus sonneratii*.

20. Any fishing fly containing the plumage of any animal of the species *Gallus sonneratii*.

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21. The stem of any plant of the family Cyatheaceae and any article made wholly or partly of any such stem or stems.

22. Any collection of botanical or zoological items, or of both which contains any item referred to in any of the preceding paragraphs of this Schedule.

Publication in consolidated and revised form authorised by the Governor in Council this 8th day of June, 1999.

Carmena H. Parsons
Clerk of Executive Council